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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/518,919

04/27/2005

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EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT

PAPER NUMBER

2612

MAIL DATE

DELIVERY MODE

08/24/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/518,919

Applicant(s)

RUTTER ET AL.

Examiner

Julie Lieu

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 40-69 is/are pending in the application.
- 4a) Of the above claim(s) 70-78 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40-53, 55, 57, 58 and 67-69 is/are rejected.
- 7) ☒ Claim(s) 54, 56 and 59-66 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Office action is in response to Applicant's amendment filed June 22, 2007. Claims 40, 44-46, 56, 59, and 60 have been amended. Claims 42 and 43 have been canceled.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 40-69 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The original specification, as originally filed, discloses the switch for the lighting circuit is used by a user to generate pulses to apply a preset control signal. However, claim 40 appears

to claim that there is a second switch, namely as recited in the claim "a first switch" being used to generate pulses to apply a preset control signal.

*Claim Rejections - 35 USC § 103*

5. Claims 40-53, 55, 57, 58, and 67-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rutter (WO 00/21047).

Claim 40:

Rutter (herein after as WO'047) discloses an alarm for detecting radiation and/or pollutants such as smoke, carbon monoxide or the like having:

- a. a housing means (figs. 1-3);
- b. an alarm circuit including detection means for detecting said radiation and/or pollutants (abstract);
- c. first electrical connection means connectable to an external power supply for supplying power to the alarm circuit (page 4, lines 11-22); and
- d. control means responsive to receipt of a preselected number of pulses over a preselected time period to apply a preset control signal to said alarm circuit;
- e. wherein said alarm circuit is responsive to said preset control signal to reset or test said alarm in dependence on said preset control signal. See page 12 lines 19-21.

The reference fails to clearly show a second electrical connection means to a live side of a switch. However, one skilled in the art would have readily recognized that the Rutter system has some electrical element connected to the live side of a switch of a lighting circuit regardless

Art Unit: 2612

what its use is since the electrical power is used for other circuit element of the system, e.g. smoke detector, etc...

Claim 41:

The control means is responsive to the energizing and de-energizing of the external power supply said preselected number of times over said preselected time period to apply said preset control signal to the alarm circuit. See page 12 lines 19-21.

Claim 42:

The alarm in WO'047 has first switch means, namely, the light switch, actuable by a user to generate a respective pulse for each actuation thereby to apply a user selected number of pulses to the control means; and the control means is responsive to receipt of said preselected number of said pulses over said preselected time period to apply a preset control signal to the alarm circuit. Page 4, lines 11-22, page 5, lines 1-26, and page 12 lines 19-21.

Claim 43:

Though it appears that the light switch means disclosed in WO'047 is not mounted on the alarm housing, it would have been obvious to one skilled in the art to use a light switch that locates at the location of the light, e.g. one with drawstring; thus, it would result in the switch means located on the alarm housing in WO'047 as the alarm housing is combined with the light source.

Claim 44:

The first switch means is mounted remote from said alarm housing.

Claim 45:

The switch means of the modified system of WO'047 is adapted for connection to a switch live side of a switch for a lighting circuit.

Claim 46:

The alarm of WO'047 has second electrical connection means for connection to a switch live side of a switch for a lighting circuit and wherein the second electrical connection means is operable to receive pulses caused by user actuation of said switch between its on and off states and apply the pulses to the control means thereby to cause a preset control signal to be applied to the alarm circuit in response to generation of said preselected number of pulses over the preselected time period.

Claim 47:

The WO'047 patent further comprises switch means for an external light source and actuatable in response to generation of a preselected control signal to energize the light source.

Claim 48:

The system in WO'047 further comprises a relay 50 and a light source wherein said relay is actuatable in response to generation of a preselected control signal to energize the light source.

Claim 49:

In the WO'047 when the preselected number of pulses over said preselected time period is one, the control means is operable to apply a preset control signal to the alarm circuit thereby to reset the alarm. This number of pulses is implicitly suggested by the reference page 5, last paragraph.

Claims 50:

Art Unit: 2612

In the WO'047 patent, when the preselected number of pulses over the preselected time period is one, the control means is operable to apply a preset control signal to said alarm circuit thereby to test said alarm. This number of pulses is implicitly suggested by the reference page 5, last paragraph.

Claim 51:

In the WO'047 patent, when the preselected number of pulses over the preselected time period is 2, the control means is operable to apply a preset control signal to said alarm circuit thereby to test said alarm. This number of pulses is implicitly suggested by the reference page 5, last paragraph.

Claim 52:

In the WO'047 patent, when the preselected number of pulses over the preselected time period is one, the control means is operable to apply a preset control signal to said alarm circuit thereby to test said alarm. This number of pulses is implicitly suggested by the reference page 5, last paragraph.

Claims 53 and 55:

The alarm circuit in WO'047 comprises means (TR1) for reducing and/or increasing the sensitivity of the detection means. Page 10 lines 14-16 and page 15, lines 3-4.

Claim 57:

The system of WO'047 also includes a battery 24 for supplying power to the alarm.

Claim 58:

The system of WO'047 also comprises a charging circuit 34 including the first electrical connection means for supplying power to a power rail for the alarm and for charging said battery. See fig. 4.

Claims 67 and 69:

The system of WO'047 includes a switch means, which is a relay, for a light source external to the alarm, the switch means being actuable in response to triggering the alarm to energize the light source. Page 6 line 14 to 7, line 2 and page 13, lines 8-13.

Claim 68:

The switch means of the WO'047 system comprises a relay and the light source is external to the alarm. Page 6 line 14 to 7, line 2 and page 13, lines 8-13.

*Allowable Subject Matter*

6. Claims 54, 56, 59-65 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



Art Unit: 2612

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Julie Lieu', with a stylized, flowing script.

Julie Lieu  
Primary Examiner  
Art Unit 2612

Aug 21, 07